

Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Everbrite, LLC
Facility Name:	Everbrite, LLC
Facility Location:	627 East 30 th Street Buena Vista, Virginia
Registration Number:	81078
Permit Number:	VRO81078

September 9, 2005

Effective Date

October 28, 2005

Amendment Date

September 8, 2010

Expiration Date

R. Bradley Chewning

for Director, Department of Environmental Quality

October 28, 2005

Signature Date

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Attachment A

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I. Facility Information

Permittee

Everbrite, LLC
627 East 30th Street
Buena Vista, Virginia 24416

Responsible Official

Jimmy Flint
Plant Manager

Facility

Everbrite, LLC
627 East 30th Street
Buena Vista, Virginia 24416

Contact Person

Michael A. Riley
Director of Environmental Affairs
(540) 261-5995

County-Plant Identification Number: 51-530-0051

Facility Description: NAICS 339950 – Sign Manufacturing

The Everbrite, LLC facility in Buena Vista is engaged in the manufacture and coating of plastic and metal signs.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Coating and Cleaning Equipment							
MP1	ST3	Metal Paint Booth (maximum 2 guns)	4 gallons/hr	Overspray Dry Filter	FIL1	PM PM-10	7/19/05
MP2	ST4	Metal Paint Booth (maximum 2 guns)	4 gallons/hr	Overspray Dry Filter	FIL2	PM PM-10	7/19/05
PP1	ST5	Plastic Paint Booth (maximum 3 guns)	3.675 gallons/hr	Overspray Dry Filter	FIL3	PM PM-10	7/19/05
PP2	ST6	Plastic Paint Booth (maximum 3 guns)	3.675 gallons/hr	Overspray Dry Filter	FIL4	PM PM-10	7/19/05
SS	SS	Silk Screening Stations (5 stations total)	6 gallons/hr	-	-	-	7/19/05
STL1	-	Solvent Recovery Still	0.5 gallon/hr	-	-	-	-
CL	-	Cleaning/Misc. Operations	1.5 gallons/hr	-	-	-	7/19/05
SB1	ST9	Spray Booth equipped with a 2.2 mmBTU/hr natural gas-fired burner (maximum 2 guns)	7 gallons/hr	Overspray Dry Filter	FIL5	PM PM-10	7/19/05
C1	-	Woodworking Operations	-	Cyclone	-	PM PM-10	-

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Coating and Cleaning Equipment Requirements

A. Limitations

1. Particulate emissions from the two metal paint booths (Ref # MP1 & MP2), the two plastic paint booths (Ref # PP1 & PP2), and the spray booth (Ref # SB1) shall be controlled by filters with a removal efficiency equal to or greater than 85%. The permittee shall change the filters in accordance with the manufacturer's recommended frequency. The spray booths shall be provided with adequate access for inspection.
(9 VAC 5-80-110 and Condition 3 of 7/19/05 Permit)
2. Fugitive emission controls shall include the following, or equivalent, as a minimum: volatile organic compounds (VOC) shall not be intentionally spilled, discarded to sewers, stored in open containers, or handled in any other manner that would result in evaporation beyond that consistent with air pollution control practices for minimizing emissions.
(9 VAC 5-80-110 and Condition 4 of 7/19/05 Permit)
3. The combined throughput of coating VOC to the two metal paint booths (Ref # MP1 & MP2), the two plastic paint booths (Ref # PP1 & PP2), the spray booth (Ref # SB1), and the silk screening operation (Ref # SS) shall not exceed 62 tons per year, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 6 of 7/19/05 Permit)
4. Total emissions from the operation of the two metal paint booths (Ref # MP1 & MP2), the two plastic paint booths (Ref # PP1 & PP2), the spray booth (Ref # SB1), the silk screening stations (Ref # SS), and cleaning shall not exceed the limits specified below:

Particulate Matter	7.6	lbs/hr	6.8 tons/yr
PM-10	7.6	lbs/hr	6.8 tons/yr
Volatile Organic Compounds			90.0 tons/yr

Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period.

(9 VAC 5-80-110 and Condition 7 of 7/19/05 Permit)

5. Hazardous air pollutant (HAP) emissions, as defined by 112(b) of the Clean Air Act, from the spray booth (Ref # SB1) shall not exceed 9.9 tons per year of any individual HAP or 24.9 tons per year of any combination, calculated monthly as the sum of each consecutive 12-month period. HAPs which are not accompanied by a specific CAS number (as listed in Attachment A) shall be calculated as the sum of all compounds containing the named chemical when determining compliance with the individual

HAP emissions limitation of 9.9 tons per year.
(9 VAC 5-80-110)

6. Visible emissions from the two metal paint booths (Ref # MP1 & MP2), the two plastic paint booths (Ref # PP1 & PP2), the spray booth (Ref # SB1), and the silk screening stations (Ref # SS) exhausts shall not exceed 5% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).
(9 VAC 5-50-80, 9 VAC 5-80-110, and Condition 8 of 7/19/05 Permit)

B. Monitoring and Recordkeeping

1. The permittee shall perform inspections of the two metal paint booths (Ref # MP1 & MP2), the two plastic paint booths (Ref # PP1 & PP2), and the spray booth (Ref # SB1) each day of booth operation. The inspections shall include a check of correct filter placement and filter condition.
(9 VAC 5-80-110)
2. Except as indicated in Condition III.B.3., for the purpose of calculating coating VOC emissions and throughput, the VOC content of each coating, as supplied, shall be based on formulation data as shown on its Material Safety Data Sheet (MSDS). If VOC content is given as a range, the maximum value shall be used.
(9 VAC 5-80-110)
3. If the monthly recordkeeping (as required in Condition III.B.10.) indicates that annual coating VOC throughput is equal to or greater than 50% of the allowable limit in Condition III.A.3., the VOC content of each coating, as supplied, shall be determined quarterly using Reference Method 24 or 24A (40 CFR 60, Appendix A) and such content shall be used for the purpose of calculating throughput and emissions. Testing shall be conducted, by the permittee or the supplier, for each product formulation received after such throughput level is determined. Each coating shipment received shall be clearly identified by a product formulation number which may be correlated to Method 24 or 24A test results. The most recent test results for each formulation shall be used in throughput calculations. Quarterly testing may be discontinued after actual coating VOC throughput is below 50% of the allowable limit in Condition III.A.3. for three consecutive months. If quarterly testing is discontinued, the VOC content determined in the latest test for each formulation shall be used in lieu of the MSDS value in throughput and emission calculations.
(9 VAC 5-80-110)
4. Except as indicated in Condition III.B.5., for the purpose of calculating emissions, the HAP content of each coating as supplied shall be based on formulation data as shown on its Material Safety Data Sheet (MSDS). If the HAP content is given as a range, the maximum value shall be used.
(9 VAC 5-80-110)

5. If the monthly recordkeeping (as required in Condition III.B.10.) indicates that annual HAP emissions are equal to or greater than 50% of the allowable limits in Condition III.A.5., the HAP content of each coating, as supplied, shall be determined quarterly using Reference Method 311 (40 CFR 63, Appendix A) and such content shall be used for the purpose of calculating emissions. Testing shall be conducted, by the permittee or the supplier, for each product formulation received after such emissions level is determined. Each coating shipment received shall be clearly identified by a product formulation number which may be correlated to Method 311 test results. The most recent test results for each formulation shall be used in emission calculations. Quarterly testing may be discontinued after actual HAP emissions are below 50% of the allowable limit in Condition III.A.5. for three consecutive months. If quarterly testing is discontinued, the HAP content determined in the latest test for each formulation shall be used in lieu of the MSDS value in emission calculations.
(9 VAC 5-80-110)
6. The permittee shall determine compliance with the coating VOC throughput limit in Condition III.A.3 as follows:

$$T = \sum_{i=1}^n C_i G_i$$

..... Equation 1

Where:

- T = coating VOC throughput rate (lb/time period)
- C_i = VOC content of each coating (i) applied during the time period (lb/gal)
- G_i = number of gallons of each coating (i) applied in the metal paint booths (Ref # MP1 & MP2), the plastic paint booths (Ref # PP1 & PP2), and the spray booth (Ref # SB1) during the time period (gal)

Annual throughput shall be calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110)

7. The permittee shall determine compliance with the particulate emission limits in Condition III.A.4 as follows:
 - a. To calculate particulate emissions on a monthly or annual basis:

$$E = \left(\sum_{i=1}^n P_i G_i D_i \right) \left(\frac{100 - T}{100} \right) \left(\frac{100 - CE}{100} \right)$$

..... Equation 2

Where:

- E = particulate emission rate (lb/time period)
- P_i = solids content of each coating (i) applied during the time period (lb solids/lb paint)
- G_i = number of gallons of each coating (i) applied in the metal paint booths (Ref # MP1 & MP2), the plastic paint booths (Ref # PP1 & PP2), and the spray booth (Ref # SB1) during the time period (gal)
- D_i = density of each coating (i) applied during the time period (lb/gal)
- T = transfer efficiency of the spray booth (%)
= 50 [unless records demonstrate a higher value is appropriate]
- CE = control efficiency of the filter (%)
= 85 [unless records demonstrate a higher value is appropriate]

Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period.

- b. To calculate average hourly emission rates:

$$PE = \frac{E}{H}$$

..... Equation 3

Where:

- PE = average hourly particulate emission rate (lb/hour)
- E = particulate emission rate (lb/month)
- H = combined hours of operation of the metal paint booths (Ref # MP1 & MP2), the plastic paint booths (Ref # PP1 & PP2), and the spray booth (Ref # SB1) (hr/month)

Average hourly particulate emissions shall be calculated once each month.

(9 VAC 5-80-110)

8. The permittee shall determine compliance with the VOC emission limit in Condition III.A.4 as follows:

$$E = T + (V_{CL} - V_R)$$

..... Equation 4

Where:

- E = VOC emission rate (tons/time period)
- T = coating VOC emission rate (tons/time period). The amount of VOC emitted shall equal the VOC throughput calculated in Condition III.B.6.
- V_{CL} = VOC throughput for cleaning operations (tons/time period)
- V_R = VOC recovered and sent off-site from cleaning operations (tons/time period)

Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period.
 (9 VAC 5-80-110)

9. The permittee shall determine compliance with the HAP emission limits in Condition III.A.5 as follows:
- a. To calculate volatile HAP emissions from the spray booth (Ref # SB1) on a monthly or annual basis:

$$E_t = \sum_{i=1}^n C_i T_i$$

..... Equation 5

Where:

- E_t = emission rate of volatile HAP (t) (lb/hr) from the spray booth (Ref # SB1)
- C_i = content of HAP (t) in each coating (i) applied in the spray booth (Ref # SB1) during the time period (lb/gal)
- T_i = number of gallons of each coating (i) applied in the spray booth (Ref # SB1) during the time period (gal)

Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period.

- b. To calculate particulate HAP emissions from the spray booth (Ref # SB1) on a monthly or annual basis:

$$E_t = \left(\sum_{i=1}^n P_i G_i D_i \right) \left(\frac{100 - T}{100} \right) \left(\frac{100 - CE}{100} \right)$$

..... Equation 7

Where:

- E = emission rate for particulate HAP (t) (lb/time period)
- P_i = particulate HAP content of each coating (i) applied during the time period (lb solids/lb paint)
- G_i = number of gallons of each coating (i) applied during the time period (gal)
- D_i = density of each coating (i) applied during the time period (lb/gal)
- T = transfer efficiency of the spray booth (%)
= 50 [unless records demonstrate a higher value is appropriate]
- CE = control efficiency of the filter (%)
= 85 [unless records demonstrate a higher value is appropriate]

Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period.

(9 VAC 5-80-110)

10. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Valley Region. These records shall include, but are not limited to:
- a. DEQ approved documentation demonstrating the removal efficiency of the filters utilized to control particulate emissions from the two metal paint booths (Ref # MP1 & MP2), the two plastic paint booths (Ref # PP1 & PP2), and the spray booth (Ref # SB1).
 - b. Log showing dates of filter replacement for each paint booth (Ref # MP1, MP2, PP1, PP2, and SB1)
 - c. Monthly and annual coating VOC throughputs (in tons) for the plastic paint booths (Ref # PP1 & PP2), the metal paint booths (Ref # MP1 & MP2), the spray booth (Ref # SB1), and the silk screening operation (Ref # SS). Annual throughput shall be calculated monthly as the sum of each consecutive 12-month period, according to Condition III.B.6.
 - d. Monthly and annual coating VOC emissions (in tons) from the plastic paint booths (Ref # PP1 & PP2), the metal paint booths (Ref # MP1 & MP2), the spray booth (Ref # SB1), and the silk screening operation (Ref # SS). Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period and shall be assumed to be equal to coating VOC throughput as calculated according to Condition III.B.6.

- e. Monthly and annual VOC throughput (in tons) for cleaning operations. Annual throughput shall be calculated monthly as the sum of each consecutive 12-month period.
- f. Monthly and annual VOC recovered and sent off-site (in tons) from cleaning operations. VOC recovered and sent off-site shall be calculated monthly as the sum of each consecutive 12-month period.
- g. Monthly and annual VOC emissions (in tons) from cleaning operations. Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period.
- h. Average hourly, monthly, and annual particulate emissions from the plastic paint booths (Ref # PP1 & PP2), the metal paint booths (Ref # MP1 & MP2), the spray booth (Ref # SB1), and the silk screening operation (Ref # SS). Average hourly emissions shall be calculated monthly according to Condition III.B.7.b. Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period, according to Condition III.B.7.a.
- i. Total hours that the metal paint booths (Ref # MP1 & MP2), the plastic paint booths (Ref # PP1 & PP2), the spray booth (Ref # SB1), and the silk screening operation (Ref # SS) operate on a monthly basis.
- j. Material Safety Data Sheets (MSDS) or other vendor information showing VOC content, HAP content, water content, and solids content for each paint and cleaning solution used.
- k. Results of Reference Method 24/24A and Reference Method 311 testing.
- l. Monthly and annual throughput (in gallons) of each coating and cleaning solution used at the facility. Annual throughputs shall be calculated monthly as the sum of each consecutive 12-month period.
- m. Monthly and annual emissions from the spray booth (Ref # SB1) to verify compliance with the individual and total HAP emissions limitations in Condition III.A.5. Calculations shall be conducted according to Conditions III.B.9.a and b. Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period.
- n. Inspection records as required by Condition III.B.1.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-50-50, 9 VAC 5-80-110, and Condition 9 of 7/19/05 Permit)

C. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice, at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations. (9 VAC 5-80-110 and Condition 5 of 7/19/05 Permit)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method
VOC	40 CFR Part 60, Appendix A, EPA Methods 18, 25, 25a
VOC Content	40 CFR Part 60, Appendix A, EPA Methods 24, 24a
PM/PM-10	40 CFR Part 60, Appendix A, EPA Methods 5, 17 40 CFR Part 51, Appendix B, EPA Method 202
Visible Emissions	40 CFR Part 60, Appendix A, EPA Method 9
Hazardous Air Pollutants (HAPs) Content	40 CFR Part 63, Appendix A, EPA Method 311
Solids Content & Density of Coatings	40 CFR Part 60, Appendix A, EPA Method 24

(9 VAC 5-80-110)

IV. Woodworking Operations Requirements – Unit # C1

A. Limitations

1. Particulate emissions from the woodworking operations shall be controlled by a cyclone. The cyclone shall be installed in an accessible location and maintained by the permittee such that it is in proper working order.
(9 VAC 5-40-2270 and 9 VAC 5-80-110)
2. Particulate emissions from the cyclone shall not exceed 0.05 grains per standard cubic feet of exhaust gas.
(9 VAC 5-40-2270 and 9 VAC 5-80-110)
3. Visible emissions from the cyclone shall not exceed 20% opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30% opacity.
(9 VAC 5-40-80, 9 VAC 5-50-80, and 9 VAC 5-80-110)

B. Monitoring

1. An annual inspection shall be conducted on the cyclone by the permittee to insure structural integrity. The permittee shall record:
 - a. The date of each inspection;
 - b. The results of each inspection; and
 - c. The maintenance performed, if required.
(9 VAC 5-80-110)
2. The permittee shall conduct visible emission inspections on the cyclone stack in accordance with the following procedures and frequencies:
 - a. At a minimum of once per week, the permittee shall determine the presence of visible emissions. If during the inspection, visible emissions are observed, a visible emission evaluation (VEE) shall be conducted in accordance with 40 CFR 60, Appendix A, EPA Method 9, unless timely corrective action is taken such that the stack resumes operation with no visible emissions. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 20%, the VEE shall be conducted for a total of 60 minutes.
 - b. All visible emissions inspections shall be performed when the equipment is operating.

- c. If visible emissions inspections conducted during 12 consecutive weeks show no visible emissions for a particular stack, the permittee may reduce the monitoring frequency to once per month for that stack. Anytime the monthly visible emissions inspections show visible emissions, or when requested by DEQ, the monitoring frequency shall be increased to once per week for that stack.

All observations, VEE results, and corrective actions taken shall be recorded.
(9 VAC 5-80-110)

C. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Valley Region. These records shall include, but are not limited to:

1. Annual throughput of wood (in pounds), calculated monthly as the sum of each consecutive 12-month period.
2. Waste rate of wood (as a percentage), calculated monthly.
3. Inspection records as required by Condition IV.B.1.
4. Inspection records as required by Condition IV.B.2.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-50-50 and 9 VAC 5-80-110)

D. Testing

If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
PM/PM-10	EPA Methods 5, 17
Visible Emissions	EPA Method 9

(9 VAC 5-80-110)

V. Hazardous Air Pollutant Conditions

Unless the permittee obtains federally enforceable limits on its facility-wide emissions of hazardous air pollutants (HAPs) to below major-source thresholds prior to the specified date, the following federal requirements, derived from 40 CFR Part 63, will apply. For each standard, “requirements” include all control, operational, work practice, monitoring, recordkeeping, reporting, and testing requirements, as applicable.

A. Limitations

1. Except where this permit is more restrictive, the metal paint booths (Ref # MP1 and MP2) and the spray booth (Ref # SB1) and associated activities (surface preparation, cleaning, mixing, and storage) shall comply with the requirements of 40 CFR Part 63 Subpart MMMM (Miscellaneous Metal Parts and Products Coating NESHAP) no later than January 2, 2007.
(9 VAC 5-60-90, 9 VAC 5-60-100, 9 VAC 5-80-110 and 40 CFR 63 Subpart MMMM)
2. Except where this permit is more restrictive, the plastic paint booths (Ref # PP1 and PP2), the spray booth (Ref # SB1), and the silk screening operations (Ref # SS) and associated activities (surface preparation, cleaning, mixing, and storage) shall comply with the requirements of 40 CFR Part 63 Subpart PPPP (Plastic Parts and Products Coating NESHAP) no later than April 19, 2007.
(9 VAC 5-60-90, 9 VAC 5-60-100, 9 VAC 5-80-110 and 40 CFR 63 Subpart PPPP)

B. Recordkeeping

1. Except where this permit is more restrictive, the permittee shall record and retain all information necessary to determine compliance with 40 CFR Part 63 Subpart MMMM.
(9 VAC 5-60-90, 9 VAC 5-60-100, 9 VAC 5-80-110 and 40 CFR 63 Subpart MMMM)
2. Except where this permit is more restrictive, the permittee shall record and retain all information necessary to determine compliance with 40 CFR Part 63 Subpart PPPP.
(9 VAC 5-60-90, 9 VAC 5-60-100, 9 VAC 5-80-110 and 40 CFR 63 Subpart PPPP)

VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
DO1	Natural Gas-Fired Drying Oven	9 VAC 5-80-720 C	-	1.0 MMBtu/hr
DO2	Natural Gas-Fired Drying Oven	9 VAC 5-80-720 C	-	1.0 MMBtu/hr
FO1	Natural Gas-Fired Forming Oven	9 VAC 5-80-720 C	-	1.0 MMBtu/hr
FO2	Natural Gas-Fired Forming Oven	9 VAC 5-80-720 C	-	1.0 MMBtu/hr
SLB	Spraylat Booth	9 VAC 5-80-720 B	PM PM-10	-

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
None Identified	-	-

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VIII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant to section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Valley Region, within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition XI.C.3. of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Valley Region by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Valley Region.
(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1. (9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

- b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
- 3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
 - 4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)